

House File 659

H-1274

Amend House File 659 as follows:

1. Page 31, after line 2 by inserting:

<DIVISION \_\_\_\_\_

STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM

Sec. \_\_\_\_\_. 2015 STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM.

1. Definitions. As used in this section, unless the context provides otherwise:

a. "Eligible employee" means an employee or qualified employee who has filed a completed application for benefits with the Iowa public employees' retirement system created in chapter 97B in which the employee's or qualified employee's intended first month of entitlement, as defined in section 97B.1A, is no later than September 2010.

b. (1) "Employee" means any of the following:

(a) An employee, as defined by section 97B.1A, who is employed by the department of administrative services, auditor of state, Iowa ethics and campaign disclosure board, office of the chief information officer, department of commerce, offices of the governor and lieutenant governor, governor's office of drug control policy, department of human rights, department of inspections and appeals, racing and gaming commission, department of management, Iowa public information board, department of revenue, office of the secretary of state, and the Iowa public employees' retirement system.

(b) An employee, as defined by section 97B.1A, who is employed within the executive branch of this state in an agency not specified in subparagraph division (a).

(c) An individual who was employed at the mental health institute at Clarinda, Iowa, or at the mental health institute at Mount Pleasant, Iowa, as of April 1, 2015, who was terminated from employment at either mental health institute after April 1, 2015.

(2) "Employee" does not mean a qualified employee, an elected official, or an employee eligible for the sick leave conversion program as described in section 70A.23, subsection 4.

c. "Employer" means a department, agency, board, or commission of the state that employs individuals.

d. "Health insurance contribution benefit" means the amount representing the monthly contribution cost of an affordable group health care plan offered by the state, as determined by the department of administrative services, providing coverage to the participant and, if applicable, the participant's spouse for the applicable period of coverage.

1 e. "Participant" means a person who timely submits  
2 an election to participate, is accepted to participate,  
3 and does participate, in the state employee retirement  
4 incentive program established under this section.  
5 f. "Program" means the state employee retirement  
6 incentive program established under this section.  
7 g. "Qualified employee" means an employee of a  
8 judicial district department of correctional services,  
9 an employee in the office of a statewide elected  
10 official, or an employee of the state board of regents  
11 if the board elects to participate in the program.  
12 h. "Years of service incentive benefit" means  
13 an amount equal to the entire value of an eligible  
14 employee's accumulated but unused vacation plus, for  
15 eligible employees with at least ten years of state  
16 employment service, one thousand dollars for each  
17 year of state employment service up to a maximum of  
18 twenty-five years of state employment service. For  
19 purposes of this paragraph, "state employment service"  
20 means service, as defined in section 97B.1A, for which  
21 the employer is the state.  
22 2. Program eligibility. To become a participant in  
23 the program, an eligible employee shall do all of the  
24 following:  
25 a. Submit by July 31, 2015, a written application,  
26 on forms prescribed by the department of administrative  
27 services, seeking participation in the program.  
28 b. Acknowledge in writing the eligible employee's  
29 agreement to voluntarily terminate employment in  
30 exchange for the state employee retirement incentive  
31 program as provided in this section.  
32 c. Agree to waive all rights to file suit against  
33 the state of Iowa, including all of its departments,  
34 agencies, and other subdivisions, based on state  
35 or federal claims arising out of the employment  
36 relationship.  
37 d. Acknowledge, in writing, that participation in  
38 the program waives any right to accept any employment  
39 with the state other than as an elected official on or  
40 after the date the eligible employee separates from  
41 employment.  
42 e. Agree to separate from employment with the state  
43 no later than August 27, 2015.  
44 3. Participant acceptance. An eligible employee  
45 shall be accepted into the program if the department of  
46 administrative services determines that the eligible  
47 employee meets the requirements to be eligible to  
48 participate in the program.  
49 4. Program benefits. Upon acceptance to  
50 participate in the program and separation from

1 employment with the state no later than August 27,  
2 2015, a participant shall receive the following  
3 benefits:

4 a. During November 2015, and each November  
5 thereafter for a total of five years, the state  
6 shall pay to the participant, or the participant's  
7 beneficiary, an amount equal to twenty percent of  
8 the years of service incentive benefit for that  
9 participant. Receipt of a years of service incentive  
10 benefit pursuant to this section by a participant shall  
11 be in lieu of receiving a payment for the participant's  
12 accumulated but unused vacation upon termination of  
13 employment.

14 b. For the period of time commencing with the  
15 first month in which a participant is ineligible for  
16 or exhausts the participant's available remaining  
17 value of sick leave used to pay the state share for  
18 the participant's continuation of state group health  
19 insurance coverage as provided in section 70A.23,  
20 subsection 3, and ending five years from the date the  
21 participant separates from employment with the state  
22 as provided in this section, the participant, or the  
23 participant's surviving spouse, shall be entitled  
24 to receive a health insurance contribution benefit  
25 to be used by the participant or the participant's  
26 beneficiary to pay the cost for eligible state group  
27 health insurance. The department of administrative  
28 services shall determine what health insurance plans  
29 constitute eligible state group health insurance for  
30 purposes of this paragraph "b".

31 5. Reemployment.

32 a. An employer shall not offer permanent part-time  
33 employment, permanent full-time employment, temporary  
34 employment, or retention as an independent contractor  
35 to a participant.

36 b. This section shall not preclude a participant  
37 from membership on a board or commission.

38 6. Program administration and reporting.

39 a. The department of administrative services shall  
40 administer the program and shall adopt administrative  
41 rules to administer the program. The department  
42 of administrative services and the department of  
43 management may adopt rules on an emergency basis  
44 under section 17A.4, subsection 3, and section 17A.5,  
45 subsection 2, paragraph "b", to implement this section  
46 and the rules shall be effective immediately upon  
47 filing unless a later date is specified in the rules.

48 b. Records of the Iowa public employees' retirement  
49 system shall be released for the purposes of  
50 administering and monitoring the program subject to the

1 requirements of section 97B.17, subsection 5.  
2 c. The department of administrative services, in  
3 collaboration with the department of management, shall  
4 present an interim report to the general assembly,  
5 including copies to the legislative services agency  
6 and the fiscal committee of the legislative council,  
7 by December 1, 2015, concerning the operation of the  
8 program. The department shall also submit an annual  
9 update concerning the program by October 1 of each  
10 year for four years, commencing December 1, 2016.  
11 The reports shall include information concerning the  
12 number of program participants, the cost of the program  
13 including any payments made to participants, the number  
14 of state employment positions not filled pursuant to  
15 the program, and the number of positions vacated by  
16 a program participant that have been refilled with a  
17 comparison of the salary of the program participant  
18 at the time the position was vacated to the beginning  
19 salary of the person who refilled the position.  
20 7. Legislative and judicial branch employees.  
21 a. The legislative council may provide a retirement  
22 incentive program for employees of the legislative  
23 branch consistent with the program provided in this  
24 section for executive branch employees. If the  
25 legislative council provides an incentive program,  
26 the legislative council shall collaborate with the  
27 department of administrative services to establish the  
28 program as required under this section as nearly as  
29 identical as possible to the program provided executive  
30 branch employees under this section. The program  
31 provided pursuant to this paragraph "a" shall establish  
32 the same time guidelines and benefit calculations  
33 as provided under the program for executive branch  
34 employees.  
35 b. The supreme court may provide a retirement  
36 incentive program for employees of the judicial branch  
37 consistent with the program provided in this section  
38 for executive branch employees. If the supreme court  
39 provides an incentive program, the supreme court shall  
40 collaborate with the department of administrative  
41 services to establish the program as required under  
42 this section as nearly as identical as possible to  
43 the program provided executive branch employees under  
44 this section. The program provided pursuant to this  
45 paragraph "b" shall establish the same time guidelines  
46 and benefit calculations as provided under the program  
47 for executive branch employees.  
48 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
49 of this Act, being deemed of immediate importance,  
50 takes effect upon enactment.>

1 2. Title page, line 4, after <atters> by inserting  
2 <, and including effective date provisions>

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HUNTER of Polk